



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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MERRIMACK SCHOOL BOARD

Petitioner

v.

MERRIMACK TEACHERS ASSOCIATION/NEA-  
NEW HAMPSHIRE

Respondent

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CASE NO. T-0205:8

DECISION NO. 90-22

#### APPEARANCES

##### Representing the Merrimack School Board:

Harry S. Gale, Consultant

##### Representing the Merrimack Teachers Association/NEA-NH:

Marc Benson, UniServ Director, Souhegan Region

##### Also in attendance:

John Lindsell, Asst. Superintendent  
James Bedard, Merrimack School Board  
Eric Heilhecker, Merrimack School Board  
Rodney F. Mansfield, Merrimack Teachers Assoc.  
Ken Monteith, Merrimack Teachers Assoc.  
Mary E. Blair, Merrimack Teachers Assoc.  
Pamela J. Tinker, Merrimack Teachers Assoc.  
Edward T. Watts, Merrimack Teachers Assoc.

#### BACKGROUND

On February 22, 1990, Hearing Officer, Seymour Osman found little evidence that substantive issues had been discussed in prior negotiations between the parties, found the Merrimack Teachers' Association (Association) guilty of unfair labor practice, stayed the mediation process and ordered the parties to meet at least twice for meaningful negotiations within 30 days.

The Association appealed the decision (No. 90-19) on March 2, 1990 on the basis that it was erroneous as a matter of law and cited the provisions of RSA 273-A:12, (I) which states that;

"Whenever the parties request the board's assistance or have bargained to impasse, or if the parties have not reached agreement on a contract within sixty days.... prior to the budget submission date, a neutral party chosen by the parties, or failing agreement appointed by the board, shall undertake to mediate the issues remaining in dispute....."

Appeal was heard in the PELRB office on March 22, 1990 with all parties represented.

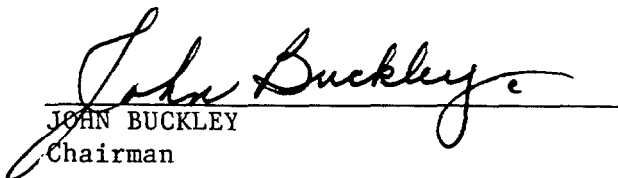
After review of hearing and evidence from the Association and the School Board, PELRB issued the following decision.

DECISION AND ORDER

Based on opening statements and review of the case presented in the original hearing before the Hearing Examiner, PELRB issues the following:

1. The complaint filed by the Merrimack School Board on February 5, 1990 is hereby DISMISSED.
2. The Hearing Examiner's findings of unfair labor practice against the Merrimack Teachers Association/NEA-NH is hereby DISMISSED.
3. Order the parties to proceed to mediation.
4. Encourage the parties to meet and resolve their issues prior to mediation.

Signed this 22nd day of March, 1990.

  
JOHN BUCKLEY  
Chairman

By unanimous vote. Chairman John Buckley presiding. Members Seymour Osman and Daniel Toomey present and voting. Also present, Executive Director, Evelyn C. LeBrun.